



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

WMP
Docket No: 2632-02
19 September 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 September 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps Reserve on 5 October 1972 for six years at age 18. Your record reflects that you completed your initial period of active duty for training on 4 April 1973, and returned to your reserve unit.

Your record further shows that you attended your required drills until 14 October 1973, when you failed to appear for four drills. Your commanding officer forwarded a letter to you by certified mail, which you received on 20 October 1973, that directed you to report to your unit. On 17 November 1973 you reported to your unit, received counseling from your commanding officer concerning your missed drills and were assigned drills on 19-20 November 1973 to make up for your missed drills. You completed these drills.

Your record further shows that on 7 December 1973, when you again failed to appear for regularly scheduled drills, a non-commissioned officer was sent to your residence and provided you with transportation to your unit, which was in the field. You reported unprepared to participate in the drills and were again counseled by the commanding officer. You were offered a future date to make-up your missed drills, however, you refused to make up these missed drills, and departed the unit.

On 19 December 1973, you received a letter from commanding officer by certified mail concerning your missed drills of 7 December 1973. You were directed to report to the unit concerning your missed drills, however, you never responded to this letter or reported to your unit. On 20 January 1974 you were again absent from required drills.

On 28 January 1974 you were notified that you being recommended for an undesirable discharge by reason of unfitness for failure to attend Marine Corps Reserve drills. You received the notification letter by certified mail on 28 January 1974, however, you never responded. Based on your failure to respond, you waived all of your procedural rights.

On 28 January 1974, an administrative discharge board (ADB) was ordered to be convened by Headquarters, 12th Marine Corps District. On 9 February 1974 the commanding officer forwarded the separation action, recommending an undesirable discharge, to the Commandant of the Marine Corps (CMC) via Headquarters, 12th Marine Corps District.

On 28 March 1974 you were informed by letter that your ADB would convene on 11 April 1974, unless you responded by 10 April 1974. On 11 April 1974, the ADB convened to consider your case and recommended that you receive an undesirable discharge by reason of unfitness due to shirking.

On 17 April 1974, Headquarters, 12th Marine Corps District recommended an undesirable discharge to CMC based on the findings of the ADB of 11 April 1974. On 21 May 1974 CMC directed an undesirable discharge by reason of unfitness due to shirking and a reduction to paygrade E-1 in conjunction with the discharge. On 10 June 1974, you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity. However, the Board concluded that the record fully supports your undesirable discharge based on your total failure to meet your Marine Corps Reserve obligations after October 1973, your refusal to respond to the last letter concerning your drill status and the letter of notification concerning the administrative separation processing. The Board further noted that you failed to respond to or appear before the ADB to argue your case or provide justification for your lack of reserve participation. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director